

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NEIL GAIMAN, and
MARVELS AND MIRACLES, LLC,

Plaintiffs,

v.

Case No.: 02-CV-00048-bbc

TODD MCFARLANE,
TODD MCFARLANE PRODUCTIONS, INC.,
TMP INTERNATIONAL, INC.,
MCFARLANE WORLDWIDE, INC., and
IMAGE COMICS, INC.,

Defendants.

PLAINTIFF'S APRIL REPORT TO COURT

Pursuant to the Court's March 12, 2010 Opinion and Order, plaintiff Neil Gaiman files this report regarding the status of the accounting of profits ("Accounting") due Gaiman from defendants Todd McFarlane and Todd McFarlane Productions, Inc. ("TMP") (collectively the "McFarlane Defendants").

Counsel for the Parties have been conferring with the Accountant and each other to create an efficient process for completing the Accounting as quickly as possible. Counsel for the Parties conferred on April 21 and April 26 to discuss ways to focus the issues the Accountant must decide and to reduce the volume of financial data the Accountant must review. Counsel for the Parties conferred with the Accountant on April 21 and April 29 to discuss the process for completing the Accounting.

The Parties and the Accountant have agreed to the following schedule for identifying issues for the Accountant:

- 1) On May 3, counsel for the Parties will exchange lists of issues each side believes the Accountant must resolve;
- 2) On May 5, counsel for the Parties will confer by telephone to discuss the lists of accounting issues, the potential for stipulations regarding certain accounting issues, and matters relating to the financial information necessary for the Accountant to complete the Accounting;
- 3) On May 17, the Parties will submit memos to the Accountant stating their positions on any outstanding Accounting issues; and
- 4) On May 24, the Parties will submit response memos to the Accountant.

In addition, the Parties are attempting to reach a comprehensive stipulation regarding the revenues received by the McFarlane Defendants for items subject to Gaiman's copyright interests and the potential deductions from those revenues. Gathering and reviewing all of that information is a time-consuming process and the Parties are not yet certain when this will be complete. They are hoping to complete the process and reach a stipulation no later than June 30. Counsel for the Parties will be discussing this issue again during their meet-and-confer on May 5.

The Accountant has informed the Parties that he believes their proposed stipulation regarding revenues and deductions should streamline the Accounting significantly. However, even under the best of circumstances, the Accountant does not believe he will complete his work before mid-September.

Dated this 30th day of April, 2010.

s/Jeffrey A. Simmons

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